

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

DYCORA TRANSITIONAL HEALTH  
& LIVING – VISALIA LLC,

Petitioner/Respondent,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent/Petitioner,

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL  
2015,

Intervenor for  
Respondent/Petitioner.

---

Nos.: 18-1295; 18-1323

**UNOPPOSED MOTION OF PETITIONER**  
**DYCORA TRANSITIONAL HEALTH & LIVING – VISALIA LLC FOR A**  
**5-WEEK EXTENSION OF TIME FOR FILING ITS BRIEF**

Pursuant to Circuit Rule 28(e), Dycora Transitional Health & Living – Visalia LLC (“Dycora”), Petitioner in the above-captioned consolidated matter, respectfully moves this Court for a 5-week extension from February 19, 2019 to March 26, 2019 for filing its brief in this case. Pursuant to Circuit Rule 28(e)(3), counsel for Petitioner (Christopher Foster) has conferred with opposing counsel (Greg Lauro for the National Labor Relations Board and David Rosenfeld for

Intervener Service Employees International Union, Local 2015) who have agreed to and do not oppose this Motion. In support of this Motion, Dycora states:

1. On October 26, 2018, Dycora petitioned this Court in Case No. 18-1295 for review of the National Labor Relations Board's October 18, 2018 decision ("Decision") reported at 367 NLRB No. 22 regarding case numbers 32-CA-206624 and 32-CA-210419.

2. On November 30, 2018, the NLRB filed a cross-application in Case No. 18-1323 for enforcement of the Decision.

3. On December 3, 2018, the Court consolidated the petitions in case numbers 18-1295 and 18-1323 ("Consolidated Petitions").

4. The Union filed Motions for Leave to Intervene in Case No. 18-1295 on November 1, 2018, and in Case No. 18-1323 on December 6, 2018; both Motions for Leave to Intervene were granted by this Court on December 20, 2018.

5. The instant matter has not been scheduled for oral argument, and Dycora's opening brief is due February 19, 2019.

6. Dycora, the Union, and the NLRB (collectively, the "Parties") are in active settlement discussions to resolve both pending petitions (*i.e.*, the entire consolidated matter). To preserve the resources of this Court and the Parties, Dycora respectfully requests a five (5) week extension to file its brief in order to allow the Parties sufficient time to facilitate reaching a settlement.

7. Dycora's request for extension has great potential to save time and the resources of this Court and all the Parties by disposing of these proceedings. This request therefore merits an extension under Circuit Rule 28(e)(1).

8. This is the first motion to extend the time to file a brief or pleading filed by any party in this matter.

9. Pursuant to Circuit Rule 28(e)(2), this motion is filed more than seven days before the brief is due.

### **Relief Requested**

Dycora requests that this Court extend the time to file its brief by 5 weeks from February 19, 2019 to March 26, 2019.

Dated: February 11, 2019

Respectfully submitted,

By: /s/ Christopher Foster  
Ronald J. Holland (Bar No. 148687)  
rjholland@mwe.com  
Christopher Foster (Bar No. 278932)  
cfoster@mwe.com  
**MCDERMOTT WILL & EMERY**  
415 Mission St Suite 5600  
San Francisco, CA 94105-2533  
Tel: +1 628 218 3800  
Fax: +1 628 877 0107

*Attorneys for*  
**DYCORA TRANSITIONAL HEALTH  
& LIVING – VISALIA LLC**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

DYCOR TRANSITIONAL HEALTH  
& LIVING – VISALIA LLC,

Petitioner/Respondent,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent/Petitioner,

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL  
2015,

Intervenor for  
Respondent/Petitioner.

---

Nos.: 18-1295; 18-1323

**CERTIFICATE OF SERVICE**

I certify that on February 11, 2019, I electronically filed the foregoing Unopposed Motion for Extension of Time For Filing Its Brief with the Clerk of the Court for the United States Court of Appeal for the District of Columbia Circuit by using the appellate CM/ECF system.

/s/ Christopher Foster  
Ronald J. Holland (Bar No. 148687)  
rjholland@mwe.com  
Christopher Foster (Bar No. 278932)

cfoster@mwe.com

**MCDERMOTT WILL & EMERY**

415 Mission St Suite 5600

San Francisco, CA 94105-2533

Tel: +1 628 218 3800

Fax: +1 628 877 0107

Dated at San Francisco, CA

This 11<sup>th</sup> day of February 2019